



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,583	03/30/2001	John C. Goodwin III	9296	1282

26884 7590 04/26/2005

PAUL W. MARTIN
LAW DEPARTMENT, WHQ-4
1700 S. PATTERSON BLVD.
DAYTON, OH 45479-0001

EXAMINER

JASMIN, LYNDAC

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/822,583	Applicant(s) GOODWIN, JOHN C.	
	Examiner Lynda Jasmin	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

He

P

DETAILED ACTION

1. Amendment received February 2, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beller et al. (5,602,377), in view of Clare (5,745,036).

Beller et al. the method and system of managing product returns with the steps of: interrogating a radio frequency product label on a product returned to a store (via scanning or decoding a modified bar code dataform label associated with item of merchandise returned to a retailer;) by a radio frequency product label interrogator controller by a computer (col. 6, lines 33-37), identifying the product from information obtained from the radio frequency product label (via validating the item purchase price, date of sale and item stock keeping unit number), determining whether the product was sold by the store (via scanning the product pricing label which set forth which department the product is sold in), recording operator authorization to add the product to inventory (inherent since the operator or sale person handling the register have to be authorized to sale, accept returns and/or exchanges of merchandise in order to

Art Unit: 3627

appropriately updated the inventory file), adjusting inventory records to reflect addition of the product to inventory (col. 12, lines 63-65).

Beller however fails to explicitly disclose identifying the product from information obtained from a memory of the radio frequency product label.

Clare discloses the concept of having a radio frequency product label (via RF-ID security tag 22) on a product, and identifying the product from information obtained from a memory of the radio frequency product label (col. 4, 40-44)

From this teaching of Clare, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product return and inventory files update of Beller to include the security memory tag taught by Clare in order to store identification data.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beller in view of Clare, and further in view of Junger et al. (2004/0172260 A1)

The Beller and Clare combination fails to explicitly disclose the condition of only if the product was sold by the store recording operator authorization to add the product to inventory.

Jungler discloses the concept of authorizing product returns via entering individual product identification information. Jungler further discloses a retailer computer system 6, which dials up to search a registration center database. The registration center computer system 14 returns the date purchased, the name of the retailer that sold the product, the applicable deadline for consumer returns, the applicable deadline for the retailer to return the product to the manufacturer for credit,

Art Unit: 3627

and the applicable deadline for warranty repairs. Based on this information from the registration center, an operator terminal 11 of the retailer computer system 6 displays the product description, the purchase location and date, and available consumer options.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the product return and inventory files update of the Beller and Clare combination to include product sale location taught by Jungler et al. in order to update transaction databases of a retail store that a product has been returned.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's argument that "Beller discloses recording of dataforms in RF tags, but does so in the background section, the remainder of the disclosure focusing on barcode labels. As such, Beller fails to disclose all elements of the claims." The Examiner respectfully disagrees. The Examiner notes that a prior art patent or other publication to be anticipated must bear within its four corner adequate directions for the practice of the patent invalidated. *Dewey & Almy Chem. Co. V. Mimex Co.*, 124 F.2d 986, 989 (2d Cir. 1942). Thus, the prior art as a whole discloses that Bar codes and matrix codes are forms of "dataforms," and refers to "bar code dataform labels" thereafter.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

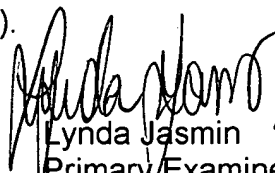
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627
4/22/05

lj